

**PATENT COOPERATION TREATY**  
**PCT**

REC'D	07 MAR 2006
WIPO	PCT

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>TEAR AWAY WALL</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/US05/03105</b>	International filing date (day/month/year) <b>26 January 2005 (26.01.2005)</b>	Priority date (day/month/year) <b>20 February 2004 (20.02.2004)</b>
International Patent Classification (IPC) or national classification and IPC <b>IPC(8): A61C 19/00; A61C 11/00; and US Cl.: 433/34,57,213</b>		
Applicant <b>GARLAND, JAMES K</b>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>2</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>  </u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) <u>  </u>, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 15%; text-align: center;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																							
<input type="checkbox"/>	Box No. II	Priority																							
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																							
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																							
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																							
<input type="checkbox"/>	Box No. VI	Certain documents cited																							
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							

Date of submission of the demand <b>12 September 2005 (12.09.2005)</b>	Date of completion of this report <b>01 February 2006 (01.02.2006)</b>
Name and mailing address of the IPEA/ US  Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450  Facsimile No. (571) 273-3201	Authorized officer Kevin Shaver <i>Shawn D. Greer, Jr.</i> Telephone No. (571) 272-4714

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US05/03105

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

the international application in the language in which it was filed.

a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4(a))
- international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:  
pages 1-13 \_\_\_\_\_ as originally filed/furnished  
pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:  
pages 14-16 \_\_\_\_\_ as originally filed/furnished  
pages\* NONE \_\_\_\_\_ as amended (together with any statement) under Article 19  
pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:  
pages 1/2-2/2 \_\_\_\_\_ as originally filed/furnished  
pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_

the claims, Nos. \_\_\_\_\_

the drawings, sheets/figs \_\_\_\_\_

the sequence listing (*specify*): \_\_\_\_\_

any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_

the claims, Nos. \_\_\_\_\_

the drawings, sheets/figs \_\_\_\_\_

the sequence listing (*specify*): \_\_\_\_\_

any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US05/03105

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N) Claims 1-8 YES

Claims NONE \_\_\_\_\_ NO

Inventive Step (IS) Claims 1-8 YES

Claims NONE \_\_\_\_\_ NO

Industrial Applicability (IA) Claims 1-8 YES

Claims NONE NO

## 2. Citations and Explanations (Rule 70.7)

1) Claims 1-8 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a dental model tray that is made entirely of a polymeric material comprising a substantially planar base that forms the floor upon which dental casting material is poured, a side wall extending upwardly from a perimeter of the base so as to form a cavity having an open top facing upwardly from the base, and a thin membrane-like connector member which is formed integrally with the perimeter of the base and a lower side edge of the side wall and thus connects the perimeter of the base with the lower side edge of the side wall, the connector member being frangible and easily broken so that the side wall can be torn away from the base and discarded after dental casting material hardened in the cavity formed by the side wall.

2) Claims 1-8 meet the criteria set out in PCT Article 33(4), and thus a dental molding tray is industrial applicability because the subject matter claimed could be made or used in industry.